IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.59 OF 2005

IN

APPEAL FROM ORDER NO.1071 OF 2002

WITH

CIVIL APPLICATION NO.42 OF 2006

Shri.Sudhir Punamchand Parakh ...Petitioner

Versus

Shri.Punamchand Dalichand Parakh

& Ors. ...Respondents

.....

Mr.Rajesh Datar for Petitioner.

Mr.P.S.Dani for Respondents 1 to 4.

Mr.G.S.Godbole for Respondents 5 to 8.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 26, 2006.

P.C.

1. Heard Counsel for the parties. Perused the pleadings and the documents on record.

2. The only allegation pressed into service

before this Court for initiating contempt action against the Respondents is that after order was passed by this Court on 6th January 2003, the Respondent No.9 Bank approved the mortgage transaction between the other Respondents, which, according to the Petitioner, amounts to wilful disobedience of the direction of this Court.

3. I see no substance in this submission. In the first place, Bank was not party to the proceedings before this Court, in which, order came to be passed on 6th January 2003. Secondly, the injunction was against the Respondents in the Appeal from Order from creating third party interest in the property. The mortgage which has been allowed to be redeemed by the Bank, in no manner, amounts to interfering with the direction passed by this Court. Hence, no case for interference is made out. Not a case of wilful disobedience of the order or direction of the Court. Dismissed. Notice issued to Respondents stands discharged. Needless to observe that bailable warrants stand cancelled.

A.M.KHANWILKAR, J.